

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit: 2135

Kenneth L. Levy

Conf. No.: 2246

Application No.: 10/622,180

Filed: July 16, 2003

**Via Electronic Filing**

For: Digital Watermarking and Fingerprinting  
Applications for Copy Control

Examiner: B. TO

Date: October 9, 2008

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Mail Stop Appeal Brief – Patents  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Response addresses the September 15, 2008 Notification of Non-Compliant Appeal Brief (statement of the status of the claims).

Please charge the fee required under 37 CFR 1.17(f) and any other fees needed to consider this Appeal Brief to our deposit account no. 50-1071.

### **STATUS OF CLAIMS**

Claims 1-39 and 41-48 are pending in the present application. Each of the pending claims stands finally rejected.

Claims 1-39 and 41-48 are on appeal.

Claim 40 was previously canceled.

### **CONCLUSION AND REQUEST FOR REVERSAL**

Appellant respectfully requests reversal of the final rejection of the pending claims.

Respectfully submitted,

Date: October 9, 2008

DIGIMARC CORPORATION

Customer No. 23735

Telephone: 503-469-4685

FAX: 503-469-4777

By: /Steven W. Stewart, Reg. No. 45,133/  
Steven W. Stewart  
Registration No. 45,133